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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/682,238

08/08/2001

Robert J. Laferriere

Gems0136/YOD

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03/26/2003

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EXAMINER

SAADAT, CAMERON

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/682,238

Applicant(s)

LAFERRIERE ET AL.

Examiner

Cameron Saadat

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 1-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121
 - I. Claims 1-15 are drawn to a method of remotely servicing a medical diagnostic imaging system, classified in (378/207).
 - II. Claims 16-27, 28-33 and 34-42 are drawn to a method of providing remote collaborative interaction and training in an environment associated with a medical diagnostic imaging system, classified in (434/262).

Inventions I and II are independent and distinct inventions. During a telephone conversation with Mr. Patrick S. Yoder on March 12, 2003, a provisional election was made without traverse to prosecute Invention II, claims 16-42. Affirmation of this election must be made by applicant in replying to this office action. Claims 1-15 are withdrawn from further consideration by the examiner as being drawn to a non-elected Invention.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 41 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The feature of providing "a safety routine to prevent undesirable operation of the medical diagnostic imaging system" is not clearly disclosed in the specification.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 16, 23, 25-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Babula et al. (USPN 6,509,914; hereinafter Babula).**

Regarding claim 16, Babula discloses a method for remotely training persons having a medical diagnostic imaging system, the method comprising: providing a collaborative computing environment between a trainee and a remote trainer for a medical diagnostic imaging system; and interactively instructing the trainee via the collaborative computing environment (col. 16, lines 7-11).

Regarding claims 23 and 25, Babula discloses the feature of remotely interacting and initiating events with an operating system of the medical diagnostic imaging system (col. 11, lines 35-44).

Regarding claim 26, Babula discloses the feature of remotely responding to operations of the medical diagnostic imaging system (col. 6, lines 7-11).

Regarding claim 27, Babula discloses the feature of remotely interacting with a plurality of geographically separate trainees via the collaborative computing environment (see Fig. 2).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. **Claims 18-22, 24, and 28-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Babula et al. (USPN 6,509,914; hereinafter Babula), in view of Becker (US Patent Application Publication 2002/0149617).**

Regarding claims 18, 28, 34, and 37-38, Babula discloses a method of providing a collaborative computing environment for a medical diagnostic imaging system. Babula further discloses a uniform graphical user interface at each remote location, it is not explicitly disclosed that the remote computing environments **share** a graphical user interface. However, it is the examiner's position that sharing a graphical user interface in a remote collaborative environment is notoriously old and well known. Furthermore, Becker teaches the feature of sharing a graphical user interface in a remote collaborative environment implemented with a medical diagnostic imaging system (§241; ¶13). In view of Becker, at the time of the invention, it would

Art Unit: 3713

have been obvious to a person of ordinary skill in the art to modify the collaborative computing environment described by in Babula, by providing a shared graphical user interface in order to allow people to communicate and share computer screen information in remote locations.

Regarding claim 40, Becker further discloses a user interface that facilitates real-time shared operability (§21). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the collaborative environment described in Babula by providing a real-time graphical user interface, in light of the teachings of Becker, in order to provide an enhanced system wherein computing systems in remote locations can simultaneously interact and cooperate with each other in a shared graphical user interface.

Regarding claim 17, the combination of Babula and Becker teaches remote collaborative environment of shared interfaces, implemented with a medical diagnostic imaging system. Neither reference explicitly specifies a UNIX operating system. However, it would have been an obvious matter of design choice as to the operating system utilized for the remote collaborative environment, wherein no stated problem is solved or unexpected result is obtained by prescribing a UNIX operating system.

Regarding claims 19, 31-32, and 42, the combination of Babula and Becker teaches remote collaborative environment of shared interfaces, implemented with a medical diagnostic imaging system. Babula further discloses the capability of capturing, transmitting screen data between computing systems. Neither reference explicitly discloses the feature of caching screen data. However, the examiner takes official notice that caching data for transmission is a notoriously old and well known feature for improving data transfer time, and therefore at the

Art Unit: 3713

time of the invention, it would have been obvious to a person of ordinary skill in the art to provide caching of computer data in order to provide faster delivery of information.

Regarding claims 20, 30, and 39, the combination of Babula and Becker teaches remote collaborative environment of shared interfaces, implemented with a medical diagnostic imaging system. Becker further teaches the feature of providing mutual operability of an application by a first and second remote computing systems (§91). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the remote collaborative environment described in Babula, by providing mutual control of an application, in light of the teachings of Becker in order to provide an enhanced collaborative environment, wherein users in remote locations can interact and cooperate with each other in a shared graphical user interface.

Regarding claim 21, Babula discloses the feature of providing a simulated graphical user interface for the medical diagnostic imaging system (col. 11, lines 35-44).

Regarding claim 22, Babula further discloses capturing screen data for a display of the medical diagnostic imaging system and transmitting the screen data to a remote display (col. 11, line 43).

Regarding claims 24, 29, and 36, Babula does not explicitly disclose that the collaborative environment can be accomplished for computing systems that have different platforms. However, Becker discloses a remote collaborative environment wherein the collaborative environment is provided for computing systems having different platforms (§ 52). Hence, At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the collaborative environment described in Babula, by enabling computer systems having various platforms, in light of the teachings of Becker, thereby providing a remote collaborative

Art Unit: 3713

environment that does not restrict participation of computer systems having different hardware/software configurations.

Regarding claim 35, Babula discloses a user interface operable on one of the first and second computing systems (col. 6, line 42).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Smith et al. (USPN 5,107,443) – disclose a method of simultaneously sharing a graphical user interface from remote computing systems.
- Wood et al. (USPN 5,715,823) – disclose a method of operating and interacting with a medical diagnostic imaging system from a remote computer system.
- Derzay et al. (USPN 6,434,572) – disclose a method of remotely providing feedback to technicians that are operating a medical diagnostic imaging system.
- Laferriere et al. (US Patent Application Publication 2002/0080171) – disclose a method of controlling a computer in a collaborative environment).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is 703-305-5490. The examiner can normally be reached on M-F 8:00 - 4:00.

Art Unit: 3713


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

CS

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March 17, 2003


VALENCIA MARTIN-WALLACE
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